EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 3

DOCKET NO.: 2007-1706-PST-E **TCEQ ID:** RN102424884 **CASE NO.:** 34825 **RESPONDENT NAME:** Petro Stopping Centers, L.P. dba Petro Stopping Center 4

		······································
ORDER TYPE:	11 - 111 - 111	
X_1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	\underline{X} PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Travel center with SMALL BUSINESS:X_Yes OTHER SIGNIFICANT MATTERS: The relocation, Docket No. 2007-0025-MLM-E. INTERESTED PARTIES: No one other that COMMENTS RECEIVED: The Texas Region Contacts and Mailing List: TCEQ Attorney/SEP Coordinator TCEQ Enforcement Coordinator Bryan Sinclair, Enforcement Division.	e are no complaints. There is one additional pending an the ED and the Respondent has expressed an intersister comment period expired on April 7, 2008. No r: None: Ms. Judy Kluge, Enforcement Division, Enforcement, MC 219, (512) 239-2171	g enforcement action regarding this facility rest in this matter. comments were received. ent Team 6, MC R-04, (817) 588-5825; Mr.
44145 Mr. Clark Rudy, Director of Engine	Environmental Associate, Petro Stopping Centers, I beering, Petro Stopping Centers, L.P., P.O. Box 4511 sented by counsel on this enforcement matter	

VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS 11154 VIOLATION INFORMATION PENALTY CONSIDERATIONS TAKEN/REQUIRED A BOST 200420411560000000000 **Corrective Actions Taken:** Type of Investigation: Total Assessed: \$16,050 Complaint The Executive Director recognizes that the X Routine Total Deferred: \$3,210 ___ Enforcement Follow-up Respondent has implemented the X Expedited Settlement following corrective measures at the Records Review Facility: Financial Inability to Pay Date(s) of Complaints Relating to this a. The TCEO Beaumont Regional Office SEP Conditional Offset: \$0 Case: None received documentation verifying that the release from the UST system has been Date of Investigation Relating to this Total Paid to General Revenue: \$12,840 contained, mitigated, and remediated by a Case: July 26, 2007 licensed PST contractor on August 13, **Site Compliance History Classification** 2007; and Date of NOV/NOE Relating to this Case: High X Average Poor October 11, 2007 (NOE) b. The TCEO Beaumont Regional Office Person Compliance History Classification received documentation verifying that the Background Facts: This was a routine High X Average Poor site assessment release report was investigation. submitted to the agency on September 27, Major Source: X Yes No 2007. WASTE Applicable Penalty Policy: September 2002 **Ordering Provisions:** 1) Failed to prevent an unauthorized discharge of diesel fuel. Specifically, The Order will require the Respondent to: during the transfer of diesel from the above ground storage tank ("AST") to the a. Immediately upon the effective date of underground storage tank ("UST"), the this Agreed Order, begin maintaining all UST system overfilled and diesel was UST records. released via the diesel vent and petroleum product sheen was observed on vegetation. b. Within 30 days after the effective date soil, and concrete driveway surfaces of this Agreed Order. adjacent to the diesel UST fillports [30 TEX. ADMIN. CODE § 334.48(a)]. i. Ensure the spill and overfill prevention equipment is properly operated and 2) Failed to submit a site assessment report maintained, inspected and serviced; and to the Commission within 45 days of release confirmation [30 Tex. ADMIN. ii.. Ensure Facility personnel are properly CODE § 334.78(c)]. trained on the operation, monitoring, and shutdown of the automatic AST diesel fuel 3) Failed to ensure spill and overfill delivery/transfer operation. prevention equipment is properly operated and maintained. Specifically, the shut-off c. Within 45 days after the effective date of devices for the automatic fuel delivery this Agreed Order, submit written system were not operating at the time of certification and include detailed the spill occurrence [30 Tex. ADMIN. CODE supporting documentation including § 334.48(d) and Tex. WATER CODE § photographs, receipts, and/or other records 26.3475(c)(2)]. to demonstrate compliance with Ordering Provisions a. through b.ii. 4) Failed to ensure that Facility personnel conducting the transfer operation of a regulated substance is physically present at or near the transfer point to abate any spill or overfill. Specifically, during the fuel transfer, the operator left the pump house controls during the transfer and was not immediately aware of the spill occurrence

RESPONDENT NAME: Petro Stopping Centers, L.P. dba Petro Stopping Center 4 **DOCKET NO.:** 2007-1706-PST-E

[30 Tex. Admin. Code § 334.51(a)(4)(A) and Tex. Water Code § 26.3475(c)(2)].	
5) Failed maintain records of results for all manual and/or automatic methods of monitoring for releases. Specifically, the automatic tank gauge printout for July 14, 2007, the day of the release, had been discarded and was not available for review [30 Tex. ADMIN. CODE §§ 334.10(b) and 334.50(e)(2)(C)].	
	4 1111 1 1 D 21 () DCD 20002

Additional ID No(s).: PST 20002

	-	Calculatio	n Works	sheet (P	•	
Policy Revision 2 (Septe	ember 2002)				PCW Revision Sep	tember 19, 2007
DATES Assigned PCW	15-Oct-2007 Screeni	ng 19-Oct-2007	EPA Due			
RESPONDENT/FACILITY I	NFORMATION		· Hydrola (1895)		o oznakaj konstantoras ir Andrewski k	
Respondent	Petro Stopping Centers, I	L.P. dba Petro Stor	oping Center 4			
Reg. Ent. Ref. No.			Major/	Minor Course	Major	-
Facility/Site Region	10-Deaumont		wajor/i	Minor Source	liviajoi	açandran en ancesanos
CASE INFORMATION					111163863841	
Enf./Case ID No.	34825 2007-1706-PST-E		No.	of Violations		_
	Petroleum Storage Tank		Enf.	Order Type Coordinator		_
Multi-Media					EnforcementTeam 6	
Admin. Penalty \$ L	imit Minimum \$0	Maximum	\$10,000			
	Don	- Olayla	tion Soci	tion		
en e		nalty Calcula			in the second	
TOTAL BASE PENAL	TY (Sum of violation	n base penaltie	es)		Subtotal 1	\$15,000
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain	TO SUBTOTAL 1 ed by multiplying the Total Bas	e Penalty (Subtotal 1) t	by the indicated pe	ercentage.		Supplied Associate
Compliance Histo			Enhancement		otals 2, 3, & 7	\$1,050
Notes	Enhancement for one NO\	NOV with same or / with dissimilar vio		ons and one		
Culpability	No	0%	Enhancement	aleji gardenî ji y	Subtotal 4	\$0
,,,,	The Descenden	4	a a color a la ilitar a sui	ita da		
Notes	rne Responden	it does not meet the	e cuipability cri	nena.		
Good Faith Effort	to Comply	0%	Reduction	Carl Canadaly	Subtotal 5	\$0
Octobrandi Enton	the contract of the contract o	OPRP/Settlement Offer	Reddedoil			· · · · · · · · · · · · · · · · · · ·
Extraordinary						
Ordinary N/A	X (mark with	<u></u>				
		······································			1	
Notes	The Responden	t does not meet the	e good faith cri	iteria.		
· · · · · · · · · · · · · · · · · · ·	New management of the second state of the seco		zan 2000 en lesatura	en e	· · · · · · · · · · · · · · · · · · ·	<u> </u>
	Total EB Amounts \$49		Enhancement* I at the Total EB \$	Amount	Subtotal 6	\$0
Approx. C	cost of Compliance \$2,350					
SUM OF SUBTOTALS	. 1.7			,	inal Subtotal	\$16,050
00111 01 0001017 120						7 :-,
OTHER FACTORS AS	JUSTICE MAY REC	QUIRE	0%		Adjustment	\$0
Reduces or enhances the Final Su	ibtotal by the indicated percent	age.			1	
Notes						
140.03						
_				Final Pe	nalty Amount	\$16,050
OTATUTODY INSTA	DUIOTAFAIT			yetele kalanda	4-91-00/0 <u>0</u> 1/00/00	¢40 050
STATUTORY LIMIT A	DJ09 I MEN I			Final Asse	essed Penalty	\$16,050
DEFERRAL Reduces the Final Assessed Pena	alty by the indicted percentage.	(Enter number only: e.	20% a. 20 for 20% red	Reduction	Adjustment	-\$3,210
			Tomore		,	
Notes	Deferral o	offered for expedite	d settlement.			
	<u> </u>				J	
PAYABLE PENALTY						\$12,840

Screening Date 19-Oct-2007

Docket No. 2007-1706-PST-E

PCW

Respondent Petro Stopping Centers, L.P. dba Petro Stopping Center

Policy Revision 2 (September 2002) PCW Revision September 19, 2007

Case ID No. 34825

Reg. Ent. Reference No. RN102424884

Media [Statute] Petroleum Storage Tank

Enf. Coordinator Judy Kluge

Compliance History Worksheet >> Compliance History Site Enhancement (Subtotal 2)

	Total Adjustment Percentag	e (Subtotals 2	2, 3, & 7)	7
Compliance History Notes	Enhancement for one NOV with same or similar violations and one NOV with dissimila	r violations.		
mpliance History	/ Summary			
Average P	erformer Adjustment	Percentage (S	Subtotal 7)	09
mpliance History	Person Classification (Subtotal 7)	M. Salah		
No	Adjustment	Percentage (S	Subtotal 3)	0'
peat Violator (Su	btotal 3)			
	Adjustment	Percentage (S	Subtotal 2)	7
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No No	0%	
	Participation in a voluntary pollution reduction program	No	0%	
Other	Voluntary on-site compliance assessments conducted by the executive director under special assistance program	a No	0%	
,	Environmental management systems in place for one year or more	No	0%	
	Ple	ease Enter Yes or No		
, tudito	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privileg Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	е 0	0%	
Audits	Letters notifying the executive director of an intended audit conducted under the Texa Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%	
Emissions	Chronic excessive emissions events (number of events)	0	0%	
Convictions	judgments or consent decrees without a denial of liability, of this state or the federa government Any criminal convictions of this state or the federal government (number of counts)	0 0	0%	
Judgments and Consent Decrees	criteria) Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments and default judgments, or non-adjudicated final court judgments and default judgments, or non-adjudicated final court		004	
ludamente	Any non-adjudicated final court judgments or consent decrees containing a denial of liabilit of this state or the federal government (number of judgements or consent decrees meeting		0%	
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitor emergency orders issued by the commission		0%	
	Any agreed final enforcement orders containing a denial of liability (number of order meeting criteria)	0	0%	
	Other written NOVs	1	2%	•
NOVs	(number of NOVs meeting criteria)	1	5%	

Screening Date	19-Oct-2007	Docket No. 2007-17	'06-PST-E	PCW
terran er er er er i 1864 en 1864 f. 1864 f. 1864 f. 1864 f. i 1864 f. 1864 f. 1864 f. 1864 f. 1864 f. 1864 f.	Petro Stopping Centers, L.P. o	dba Petro Stopping Center 4	· · · · · · · · · · · · · · · · · · ·	evision 2 (September 2002)
Case ID No.			PCW Re	evision September 19, 2007
Reg. Ent. Reference No.	Petroleum Storage Tank			***************************************
Enf. Coordinator				***************************************
Violation Number	1			_
Rule Cite(s)	00	T Ad Od- C 004 40(-)		***************************************
	30	Tex. Admin. Code § 334.48(a)		
Violation Description	transfer of diesel from the AS released via the diesel vent ar	orized discharge of diesel fuel. ST to the UST, the UST system on the petroleum product sheen was way surfaces adjacent to the di	overfilled and diesel was observed on vegetation,	
		•	Base Penalty	\$10,000
>> Environmental, Property a	nd Human Health Matrix Harm			
Release	Major Moderate	Minor		
OR Actual	X	Barran	500/	
Potential		Percent	50%	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
		Percent	t 0%	
Human healtl	or the environment has been	exposed to significant amounts	of pollutants which do not]
		an health or environmental receptions		
		Adjustme	ent \$5,000	1
			900004	¢5,000
				\$5,000
Violation Events				***************************************
Number of Vio	plation Events 1	30 Number	of violation days	
				-
	daily			
mark only one	monthly x quarterly		Violation Base Penalty	\$5,000
with an x	semiannual		•	
	annual	•		
	single event		•	
One monthly		ne July 14, 2007 release discove 7 compliance date.	ery date to the August 13,	
Economic Benefit (EB) for th	is violation	Statut	ory Limit Test	NGT GOOD RESIDENCE
Estimate	d EB Amount	\$4] Viola	ation Final Penalty Total	\$5,350
	Ihis	s violation Final Assessed Pen	aity (adjusted for limits)	\$5,350

	Petroleum Store	age Tank				Percent Interest	Years of
Violation No	. 1			# (24 E A 24 E 75 E 75 E		177 (178)	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs .	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	art baile at an art i	Substitute of the			33.7 (0.7)	
Delayed Costs	5			_			a se soon
Equipment				0.0	\$0	\$0	\$0
Buildings	** * * * * * * * * * * * * * * * * * * *			0.0	\$0	\$0	\$0
Other (as needed)	The first state of the		Lands lands t	0.0	\$0	\$0	\$0
Engineering/construction	5.3	4. 14. 41.	and the state of	0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$1,000	14-Jul-2007	13-Aug-2007	0.1	\$4	n/a	\$4
Permit Costs	1	· · · · · · · · · · · · · · · · · · ·		0.0	I @∩		\$0
					\$0	n/a	
Other (as needed)	Estimated co	st to repair the US	Γ svstem. mitigate	0.0	\$0	n/a ·	\$0
Other (as needed) Notes for DELAYED costs Avoided Costs	soils. The d	ate required is the	date the release v	0.0 explosiv	\$0 /e hazards, and to overed and the fin	n/a properly dispose of al date is the date of one-time avoided c	\$0 contaminated compliance.
Notes for DELAYED costs	soils. The d	ate required is the	date the release v	explosives discontering	\$0 /e hazards, and to overed and the fin Item (except for \$0	n/a properly dispose of al date is the date of one-time avoided c	contaminated compliance.
Notes for DELAYED costs Avoided Costs Disposal Personnel	soils. The d	ate required is the	date the release v	explosives disconnecting	\$0 //e hazards, and to overed and the fin Item (except for \$0 \$0	n/a properly dispose of al date is the date of one-time avoided c \$0 \$0	contaminated compliance.
Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	soils. The d	ate required is the	date the release v	explosive as discontering	\$0 //e hazards, and to overed and the fin item (except for \$0 \$0 \$0	n/a properly dispose of al date is the date of the dat	contaminated compliance. osts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel	soils. The d	ate required is the	date the release v	explosive as discontering 0.0 0.0 0.0 0.0 0.0	\$0 ye hazards, and to overed and the fin item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a properly dispose of al date is the date of some store avoided c \$0 \$0 \$0 \$0 \$0	\$0 contaminated compliance. \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	soils. The d	ate required is the	date the release v	explosives disconnecting 0.0 0.0 0.0 0.0 0.0 0.0	ye hazards, and to overed and the fin item (except for \$0 \$0 \$0 \$0	n/a properly dispose of all date is the date of some state of some some some some some some some some	contaminated compliance. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	soils. The d	ate required is the	date the release v	explosives disconnecting 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ye hazards, and to overed and the fin Item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a properly dispose of all date is the date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	contaminated compliance. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	soils. The d	ate required is the	date the release v	explosives disconnecting 0.0 0.0 0.0 0.0 0.0 0.0	ye hazards, and to overed and the fin item (except for \$0 \$0 \$0 \$0	n/a properly dispose of all date is the date of some state of some some some some some some some some	contaminated compliance. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	soils. The d	ate required is the	date the release v	explosives disconnecting 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.	ye hazards, and to overed and the fin Item (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a properly dispose of all date is the date of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	contaminated compliance. osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	Scre	ening Date	19-Oct-2007		1,000	Docket No.	. 2007-1706-P	ST-E	PCW
		Respondent		g Centers, L.I	P. dba Petro S	topping Cent	ter 4	Poli	cy Revision 2 (September 2002)
		Case ID No.						PC	W Revision September 19, 2007
Reg		erence No.							***************************************
		ia [Statute] coordinator		orage Tank					800000
	. *	ation Number	2 2						
		Rule Cite(s)			20 Tay Admi	n Codo 5 22	4 79(a)	**************************************	
			<u> </u>		30 Tex. Admi	n. Code § 33	4.70(0)		
	Violatio	n Description	Failed to sub	omit a site ass		rt to the Com firmation.	mission within	45 days of relea	se
								Base Pena	alty \$10,000
		n		r I 141- 8.8 - 4					
>> Envir	onmental	, Property a	nd Human	Health Mat	rix				
		Release	Major	Moderate	Minor	_			
OR		Actual							***************************************
		Potential					Percent	0%	
>>Progr	ammatic	Matrix							
		Falsification	Major	Moderate	Minor	-			
			Х				Percent	25%	
								***************************************	_
	Matrix Notes			100% of the	e rule requiren	ment was not	met.		100000000000000000000000000000000000000
							Adjustment	\$7,	500
						•	Aujustinont	Ψί,	<u> </u>
									\$2,500
Violation	n Events								
Violatioi	i Events								#######
W TO		Number of Vio	lation Events	1		30	Number of vi	olation days	
			daily		1				
			monthly						
		mark only one	quarterly				Viol	ation Base Pena	alty \$2,500
		with an x	semiannual						
			annual single event	×	a ·				
			Siligle everit						
		One single o	wont is rocom	monded base	d on documer	ntation of the	violation during	the July 26, 200	07
iwwwww.		One single e	veni is recom	inended base	investigati		violation during	g tile odly 20, 200	
ANNOUNCE OF THE PARTY OF THE PA					· · · · · · · · · · · · · · · · · · ·				
Econom	iic Benefi	t (EB) for th	is violation				Statutory	Limit Test	
90.0.41111111111111111111111111111111111			2000 personal resultation (100 personal resu		<u></u>	7	\/:=I=4!=	Cinal Dan-14. T	otal \$2,675
Y CONTRACTOR OF THE CONTRACTOR		Estimated	I EB Amount		\$2		violation	Final Penalty To	
Belly mentioned to the second		Maria (Maria		1001179000130001001000010000000000000000	This violation	n Final Asses	ssed Penalty (adjusted for lim	i ts) \$2,675

	E	conomic l	3enefit W	orks	heet	and the second second	
Respondent Case ID No		Centers, L.P. dba i	Petro Stopping Ce	enter 4			
Reg. Ent. Reference No.	. RN102424884					,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
	Petroleum Stor	age Tank				Percent Interest	Years of
Violation No.	. 2						Depreciation
					0.00	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	CONTRACTOR OF STREET	Calcula voi de			10000	
Delayed Costs		,				7.44.2	
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	I	ll l		0.0	\$0	n/a	\$0
Permit Costs Other (as needed)	\$500	28-Aug-2007	27-Sep-2007	0.0	\$0 \$2	n/a n/a	\$0 \$2
				0.0	\$0 \$2	n/a n/a	\$0 \$2
		to submit a site as:		0.0 0.1 the Cor	\$0 \$2 mmission. The da	n/a n/a ate required is 45 da	\$0 \$2
Other (as needed)	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	0.0 0.1 the Cornd the fin	\$0 \$2 mmission. The da al date is the com	n/a n/a tte required is 45 da pliance date.	\$0 \$2***********************************
Other (as needed)	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	0.0 0.1 the Cornd the fin	\$0 \$2 mmission. The da al date is the com	n/a n/a te required is 45 da pliance date.	\$0 \$2***********************************
Other (as needed) Notes for DELAYED costs	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	0.0 0.1 o the Cornd the fin intering	\$0 \$2 mmission. The da al date is the com item (except for \$0	n/a n/a hte required is 45 da pliance date. one-time avoided c	\$0 \$2 ys after the date osts)
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	0.0 0.1 o the Cornd the fin entering 0.0 0.0	\$0 \$2 mmission. The datal date is the comittem (except for \$0 \$0	n/a n/a te required is 45 da pliance date. one-time avoided of \$0 \$0	ys after the date osts) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	the Cornet the fin	\$0 \$2 mmission. The da al date is the com item (except for \$0 \$0	n/a n/a ate required is 45 da pliance date. cone-time avoided c \$0 \$0 \$0	s0 \$2 ys after the date osts) \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	0.0 0.1 o the Cornd the fin intering 0.0 0.0 0.0	\$0 \$2 minission. The da al date is the com item (except for \$0 \$0 \$0	n/a n/a ate required is 45 da pliance date. cone-time avoided c \$0 \$0 \$0 \$0	\$0 \$2 ys after the date osts) \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS DISPOSAL Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	0.0 0.1 or the Cornd the fin entering 0.0 0.0 0.0 0.0	\$0 \$2 mmission. The da al date is the com item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a n/a ate required is 45 da pliance date. so so \$0 \$0 \$0 \$0 \$0	\$0 \$2 ys after the date osts) \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	0.0 0.1 or the Cornd the fin intering 0.0 0.0 0.0 0.0 0.0	\$0 \$2 mmission. The datal date is the comittem (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a te required is 45 da pliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 ys after the date osts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	0.0 0.1 or the Cornd the fin entering 0.0 0.0 0.0 0.0	\$0 \$2 mmission. The da al date is the com item (except for \$0 \$0 \$0 \$0 \$0	n/a n/a n/a ate required is 45 da pliance date. so so \$0 \$0 \$0 \$0 \$0	\$0 \$2 ys after the date osts) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	0.0 0.1 or the Cornd the fin intering 0.0 0.0 0.0 0.0 0.0	\$0 \$2 mmission. The datal date is the comittem (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a te required is 45 da pliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 ys after the date osts) \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs AVOIDED COSTS Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	0.0 0.1 or the Cornd the fin intering 0.0 0.0 0.0 0.0 0.0	\$0 \$2 mmission. The datal date is the comittem (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a te required is 45 da pliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 ys after the date osts) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	0.0 0.1 or the Cornd the fin intering 0.0 0.0 0.0 0.0 0.0	\$0 \$2 mmission. The datal date is the comittem (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a te required is 45 da pliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 ys after the date osts) \$0 \$0 \$0 \$0 \$0 \$0
Other (as needed) Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	Estimated cost	to submit a site as of discover	sessment report to y of the release ar	0.0 0.1 or the Cornd the fin intering 0.0 0.0 0.0 0.0 0.0	\$0 \$2 mmission. The datal date is the comittem (except for \$0 \$0 \$0 \$0 \$0 \$0	n/a n/a te required is 45 da pliance date. one-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$2 ys after the date osts) \$0 \$0 \$0 \$0 \$0 \$0

Martin dan kuma dan sebagai dan di dan d	Date 19-Oct-2007 Docket No. 2007-1706-PST-E		PCW
	dent Petro Stopping Centers, L.P. dba Petro Stopping Center 4	Policy Re	evision 2 (September 2002)
	No. 34825	PCW Re	vision September 19, 2007
Reg. Ent. Reference			
1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -	tute] Petroleum Storage Tank		
Ent. Coordin Violation Nu	ator Judy Kluge		
Rule C		3 abo	
Rule C	26.3475(c)(2)	Youe 8	
Violation Descri	Failed to ensure spill and overfill prevention equipment is properly operation maintained. Specifically, the shut-off devices for the automatic fuel deliver were not operating at the time of the spill occurrence. Failed to ensure that personnel conducting the transfer operation of a regulated substance is properated at or near the transfer point to abate any spill or overfill. Specifically, fuel transfer, the operator left the pump house controls during the transfer are immediately aware of the spill occurrence.	y system t Facility nysically during the	
	Ba	se Penalty[\$10,000
>> Environmental, Prope	erty and Human Health Matrix		***************************************
	Harm	,	
	lease Major Moderate Minor		
	Actual Percent 50%	1	
FUL	ential X Percent 50%	I	
>>Programmatic Matrix			
Falsific	ation Major Moderate Minor		
	Percent 0%		
Matrix Notes Human	health or the environment will or could be exposed to pollutants which would exceed are protective of human health or environmental receptors as a result of the violation	. 18	
	Adjustment	\$5,000	
	•		\$5,000
Violation Events			
Number	of Violation Events 1 85 Number of violation da	ays	
	daily		
	y one quarterly x Violation Ba	eo Bonalty	\$5,000
mark onl with a		se remaily	ψ0,000
	annual		
	single event		
One	quarterly event is recommended based on documentation of the violation during the 2007 investigation to the October 19, 2007 screening date.	July 26,	
Economic Benefit (EB) fo	or this violation Statutory Limit To	est	
Esti	mated EB Amount \$38 Violation Final Pe	nalty Total	\$5,350
	This violation Final Assessed Penalty (adjusted	for limits)	\$5,350
	ADDE NO DANS CONTRACTOR DE LA CONTRACTOR DE LA PRIMERA DE LA CONTRACTOR DE LA CONTRACTOR DE LA CONTRACTOR DE L	wanaaniiiiiiiiiii	

		Centers, L.P. dba F	Petro Stopping Ce	enter 4	er er er er er er	The second of	
Case ID No.	3					national Expression	
Reg. Ent. Referènce No.	. RN102424884						
Media Violation No.	Petroleum Stor 3	age Tank				Percent Interest	Years of Depreciation
		1001	14.55(87.97.85		111	5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
ltem Description	l No commas or \$. 7				į.	
Delayed Costs							
Equipment	[and a Major at the first of	Water to the state of the state	0,0	\$0	\$0	\$0
Bulldings	\$250	26-Jul-2007	19-Jun-2008	0.9	\$1	\$15	\$16
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction		1	- Company of the Company	0.0	\$0	\$0	\$0
Land	at and			0,0	\$0	n/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling	\$500	26-Jul-2007	19-Jun-2008	0,9	\$23	n/a	\$23
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
A CONTRACTOR	Estimato	d cost to replace the	shut off dovices	and prov	aarly train nareann	ol. The dates requi	red are the
Notes for DELAYED costs		investigation da	tes and the final c	lates are	the expected date	el. The dates requires of compliance.	Andre Joseph
Avoided Costs		investigation da	tes and the final c	lates are	the expected date	es of compliance.	osts)
Avoided Costs Disposal		investigation da	tes and the final c	lates are	the expected date item (except for a	es of compliance. one-time avoided c	costs)
Avoided Costs Disposal Personnel		investigation da	tes and the final c	ntering	item (except for \$0 \$0	es of compliance. Difference avoided compliance so \$0 \$0	costs) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling		investigation da	tes and the final c	ntering 0.0 0.0 0.0	item (except for \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0	\$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment		investigation da	tes and the final c	ntering 0.0 0.0 0.0 0.0	item (except for \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		investigation da	tes and the final c	ntering 0.0 0.0 0.0 0.0 0.0	item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	es of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		investigation da	tes and the final c	0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for established to the expected date item (except for established to the state of the expected date item (except for established to the expected date item).	es of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		investigation da	tes and the final c	ntering 0.0 0.0 0.0 0.0 0.0	item (except for a \$0 \$0 \$0 \$0 \$0 \$0 \$0	es of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		investigation da	tes and the final c	0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for established to the expected date item (except for established to the state of the expected date item (except for established to the expected date item).	es of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		investigation da	tes and the final c	0.0 0.0 0.0 0.0 0.0 0.0 0.0	item (except for established to the expected date item (except for established to the state of the expected date item (except for established to the expected date item).	es of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	19-Oct-2007 Docket No. 2007-1706-PST-E	PCW
	Petro Stopping Centers, L.P. dba Petro Stopping Center 4	Policy Revision 2 (September 2002)
Case ID No		PCW Revision September 19, 2007
Reg. Ent. Reference No		
eren e eren e e e e e e e e e e e e e e	Petroleum Storage Tank	
Enf. Coordinato		
Violation Numbe		
Rule Cite(s	30 Tex. Admin. Code §§ 334.10(b) and 334.50(e)(2)(C)	
Violation Description	Failed maintain records of results for all manual and/or automatic methods of mor for releases. Specifically, the automatic tank gauge printout for July 14, 2007, the the release, had been discarded and was not available for review.	
	Base P	Penalty \$10,000
>> Environmental, Property		
Release	Harm • Major Moderate Minor	
OR Actua		
Potentia	Percent 0%	
>>Programmatic Matrix	Major Modorato Minor	
Falsification	Major Moderate Minor x Percent 25%	***************************************
	1 S S S S S S S S S S S S S S S S S S S	
Matrix Notes	100% of the rule requirement was not met.	
	Adjustment	\$7,500
		<u> </u>
		\$2,500
Violation Events		
Number of V	olation Events 1 85 Number of violation days	
mark only one with an x	daily monthly Violation Base F semiannual annual single event x	Penalty \$2,500
One single	event is recommended based on documentation of the violation during the July 26, investigation.	2007
Economic Benefit (EB) for the	nis violation Statutory Limit Test	
	d EB Amount \$4 Violation Final Penalt	y Total \$2,675
***************************************	This violation Final Assessed Penalty (adjusted for	limits) \$2,675
		Historia kanana mpanana manini mara

***************************************	E	conomic l	Benefit W	orks	heet		
Respondent	Petro Stopping	Centers, L.P. dba	Petro Stopping Ce	nter 4			
Case ID No.	34825						
Reg. Ent. Reference No.	RN102424884						
	Petroleum Stor					D	Years of
Violation No.	4				* * *	Percent Interest	Depreciation
			3.5			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	transfer and the				100	
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings			11	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	26-Jul-2007	22-May-2008	0,8	\$4	n/a	\$4
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)				0.0	\$0 \$0	n/a n/a	\$0 \$0
o and, (an incomen)		<u> </u>		William .		and the second section to	144 - 1444 - 24
Notes for DELAYED costs	Estimated o	ost maintain all US				ition date and the fin	al date is the
NOTES TO DELATED COSTS			expected	date of o	compliance.	i sathasisika¥i S	
Avoided Costs	L. ANN	JUAL IZE [1] avoide	ed costs before e	nterina	item (except for	one-time avoided o	osts)
Disposal		1		0,0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)			2.	0.0	\$0	\$0	\$0
	i			47.7			
Notes for AVOIDED costs							
	1						
Approx. Cost of Compliance		\$100			TOTAL	<u> </u>	\$4

Compliance History

Custon	ner/Respondent/Owner-Op	erator:	CN600788327 Petro Stopping Centers, L.P.			Classification:	Rating: 3.10	
Regula	ated Entity:		RN102424884	PETRO STOPPIN	G CENTER 4	Classification:	AVERAGE	Site Rating: 5.00
D Nun	nber(s):		PETROLEUM ST REGISTRATION		REGIS	TRATION		20002
.ocatio	on:			D, BEAUMONT, TX,	77705	Rating Date: 9	9/1/2007 Repe	at Violator: NO
TCEQ	Region:		REGION 10 - BE	AUMONT				
Date C	Compliance History Prepare	d:	October 24, 2007	,				
Agency	y Decision Requiring Comp	liance History:	Enforcement					
Compliance Period:			October 15, 2002	to October 15, 2007				
TCEQ Name:	Staff Member to Contact fo	or Additional Info		this Compliance Histo one: (817) 58				
			Site C	ompliance Histor	y Components			
1. Has	the site been in existence	and/or operation	for the full five year	compliance period?	Yes	•		
	there been a (known) chares, who is the current owne	_	of the site during th	ne compliance period	P No N/A			
4. if Y	es, who was/were the prior	owner(s)?			N/A			
5. Wh	en did the change(s) in ow	nership occur?			N/A		-	
Comr	oonents (Multimedia) f	or the Site :			-			-
Comp A.	Final Enforcement Ord		ments, and consent	decrees of the state	of Texas and the fe	deral government.		
,	N/A	,0,0,000,uugo						
В.	Any criminal conviction	ns of the state of	Texas and the fede	eral government.				
υ.	N/A							
C.	Chronic excessive em	issions events.	•					
	N/A							,
D.	The approval dates of	investigations. (CCEDS Inv. Track.	No.)				
	1 05/30/200 2 11/27/200 3 10/11/200	,						
E.	Written notices of viola		CEDS inv. Track. N	o.)				
	Date: 05/31/2	006 (48037	(2)					
	Self Report?	NO			Classification:	Moderate		
	Citation: Description: Self Report?		apter 334, SubChap ake all PST records	ter A 334.10(b)[G] available for the inve	stigation. Classification:	Moderate		
	Citation: Description:	30 TAC Cha Failure to in		ter C 334.45(c)(3)(A) secure anchor at the				
	Self Report?	NO SHULOH VAIV	e iii a piping system		Classification:	Moderate	•	
	Citation:		apter 115, SubChap					
	Description:	Failure to m Order(s) for the facility.	the Stage II vapor i	e California Air Resourecovery system and a record of the results	any related compor	ents installed at		
	Self Report?	NO	, 5	. · ·	Classification:	Moderate		
	Citation: Description:	Failure to m	apter 115, SubChap naintain a record of t dispensing facility.	oter C 115.246(5) the results of Stage II	testing conducted a	at the motor		
	Self Report?	NO	anaportaing raciity.		Classification:	Moderate		

'Citation:

30 TAC Chapter 115, SubChapter C 115.222(3)

Description:

30 TAC Chapter 115, SubChapter C 115.242(4)
Failure to ensure no avoidable gasoline leaks, as detected by sight, sound, or smell,

exist anywhere in the liquid transfer or vapor balance systems.

Classification:

Moderate

Date: 08/15/2006 (483104)

Self Report?

NO

30 TAC Chapter 324, SubChapter A 324.4(1)

Citation: Description:

Failure to collect and store used oil as required.

F. Environmental audits.

N/A

Type of environmental management systems (EMSs). G.

N/A

Н. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program. ١.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
PETRO STOPPING CENTERS, L.P.	§	
DBA PETRO STOPPING CENTER 4	Š	ENVIRONMENTAL QUALITY
RN102424884	Ü	

AGREED ORDER DOCKET NO. 2007-1706-PST-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Petro Stopping Centers, L.P. dba Petro Stopping Center 4 ("the Respondent") under the authority of Tex. Water Code chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

- 1. The Respondent owns and operates a travel center with retail sales of gasoline at 5405 Walden Road in Beaumont, Jefferson County, Texas (the "Facility").
- 2. The Respondent's two underground storage tanks ("USTs") and one above ground storage tank ("AST") are not exempt or excluded from regulation under the Texas Water Code or the rules of the Commission.
- 3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
- 4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about October 16, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Sixteen Thousand Fifty Dollars (\$16,050) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The

				1	
,					

Respondent has paid Twelve Thousand Eight Hundred Forty Dollars (\$12,840) of the administrative penalty and Three Thousand Two Hundred Ten Dollars (\$3,210) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. The TCEQ Beaumont Regional Office received documentation verifying that the release from the UST system has been contained, mitigated, and remediated by a licensed PST contractor on August 13, 2007; and
 - b. The TCEQ Beaumont Regional Office received documentation verifying that the site assessment release report was submitted to the Commission on September 27, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have:

1. Failed to prevent an unauthorized discharge of diesel fuel, in violation of 30 TEX. ADMIN. CODE § 334.48(a), as documented during an investigation conducted on July 26, 2007. Specifically, during the transfer of diesel from the AST to the UST, the UST system overfilled and diesel was released via the diesel vent and petroleum product sheen was observed on vegetation, soil, and concrete driveway surfaces adjacent to the diesel UST fillports.

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- 2. Failed to submit a site assessment report to the Commission within 45 days of release confirmation, in violation of 30 Tex. ADMIN. CODE § 334.78(c), as documented during an investigation conducted on July 26, 2007.
- 3. Failed to ensure spill and overfill prevention equipment is properly operated and maintained, in violation of 30 Tex. ADMIN. CODE § 334.48(d) and Tex. WATER CODE § 26.3475(c)(2), as documented during an investigation conducted on July 26, 2007. Specifically, the shut-off devices for the automatic fuel delivery system were not operating at the time of the spill occurrence.
- 4. Failed to ensure that Facility personnel conducting the transfer operation of a regulated substance is physically present at or near the transfer point to abate any spill or overfill, in violation of 30 Tex. ADMIN. Code § 334.51(a)(4)(A) and Tex. Water Code § 26.3475(c)(2), as documented during an investigation conducted on July 26, 2007. Specifically, during the fuel transfer, the operator left the pump house controls during the transfer and was not immediately aware of the spill occurrence.
- 5. Failed maintain records of results for all manual and/or automatic methods of monitoring for releases, in violation of 30 TEX. ADMIN. CODE §§ 334.10(b) and 334.50(e)(2)(C), as documented during an investigation conducted on July 26, 2007. Specifically, the automatic tank gauge printout for July 14, 2007, the day of the release, had been discarded and was not available for review.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Petro Stopping Centers, L.P. dba Petro Stopping Center 4, Docket No. 2007-1706-PST-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, begin maintaining all UST records, in accordance with 30 TEX. ADMIN. CODE § 334.10.

- b. Within 30 days after the effective date of this Agreed Order:
 - i. Ensure the spill and overfill prevention equipment is properly operated and maintained, inspected and serviced, in accordance with 30 TEX. ADMIN. CODE § 334.48; and
 - ii. Ensure Facility personnel are properly trained on the operation, monitoring, and shutdown of the automatic above ground storage tank diesel fuel delivery/transfer operation, in accordance with 30 Tex. Admin. Code § 334.51.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager Beaumont Regional Office Texas Commission on Environmental Quality 3870 Eastex Freeway Beaumont, Texas 77703-1892

- 3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days

Petro Stopping Centers, L.P. dba Petro Stopping Center 4 DOCKET NO. 2007-1706-PST-E Page 5

after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. ADMIN. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	3/10/2008 Date
attached Agreed Order on behalf of the en	nd the attached Agreed Order. I am authorized to agree to the attity indicated below my signature, and I do agree to the terms or acknowledge that the TCEQ, in accepting payment for the ch representation.
 timely pay the penalty amount, may result in A negative impact on compliance in Greater scrutiny of any permit apple. Referral of this case to the Attornation penalties, and/or attorney fees, or to the Increased penalties in any future ending a Automatic referral to the Attorney in TCEQ seeking other relief as authorized. 	nistory; lications submitted; ey General's Office for contempt, injunctive relief, additional o a collection agency; aforcement actions; General's Office of any future enforcement actions; and
Clurk Muly Signature	Date / 14/08
Name (Printed or typed) Authorized Representative of Petro Stopping Centers, L.P. dba Petro Stop	DIRIZETOR OF ENGINEERING Title pping Center 4

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.